

Al - Haq

BULLETIN No. 23 **Zul-Qa'dh 1424 / January 2004**

THE BAND OF HAQ

"There will ever remain a band from my Ummah fighting on the Haq until the Day of Qiyaamah. Those who oppose them and those who do not aid them, will not be able to harm them." Hadith

THE MPL PLOT

OUR RESPONSE TO UUCSA

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In its pamphlet dated 12th Dhu al-Qa'dah 1424 (5th January 2004), UUCSA avers:

"The non-recognition of Muslim marriages continues to pose difficulties for contending parties to legally enforce Shariah-compliant resolutions to their disputes. The United Ulama Council of South Africa accordingly deems the legal recognition and enforcement of aspects of Muslim Family Law through a properly regulated statutory regime to be a legitimate need."

Firstly it will serve UUCSA well if it wakes up and views the course it is taking. It has allowed itself to be hijacked by a modernist secular-orientated quasi-molvi. Even if the Ulama bodies comprising UUCSA are unable to locate a Molvi Saheb —i.e. a proper orthodox Maulana Saheb who understands what is written in Hadhrat Thaavi's *Heelatun Naajizah*— to do their thinking, issuing statements and drafting pamphlets and posters, they should content themselves with any true Maulana for these duties. The language and correct English wording and phraseology are not of importance. Even broken English will suffice as long as the message is the message of Haqq. By having allowed themselves to be hijacked by a secular lawyer whose mission in life is to destroy Islam with his inordinate love for MPL (now MFL), the Ulama of UUCSA have made a mockery of themselves.

Let it be understood at the very outset that UUCSA does not represent the Ulama of South Africa. It may represent some molvis and sheikhs, but not the Ulama of Islam in this country. The Ulama-e-Haqq are only those who uphold the Truth of Islam as it has been transmitted to us down the fourteen corridors of Islam's history, from Rasulullah (sallallahu alayhi wasallam) to the Sahaabah, then from them to the Taabieen, then from them to the Tabe-e-Taabieen, and in this way down to us to this day.

If the Ulama of UUCSA are content to be represented by a secular lawyer who is no where within the folds of the Ulama Fraternity, they may have him as their leader. But, neither he nor UUCSA as a whole represent the Ulama of South Africa. This misconception created by the high sounding title has to be

cleared. The government of this country too should take note and not be misled by the high sounding title. We and other Ulama now have a duty to notify the government of the misleading claim made by the lawyer representative of UUCSA.

In the last paragraph of its pamphlet, UUCSA or its lawyer representative claims:

"...UUCSA as the national representative body of Ulama..."

Let UUCSA clear itself of the cobwebs which have beset its thinking. There is no single body of Ulama in South Africa which represents all the Ulama of the country, least of all UUCSA. It is NOT the "national representative body of Ulama" which it claims to be notwithstanding its membership of Ulama bodies. It does not represent the Mujlisul Ulama of South Africa nor the Jamiatul Ulama of Eastern Cape nor numerous other Ulama throughout the country, many of whom are members of the Mujlisul Ulama and many of whom are not.

NON-RECOGNITION

The claim that non-recognition of Muslim marriages continues to pose difficulties for Muslims is old hat. It is an outworn red herring with which the MPL crowd has battled to dupe Muslims into acceptance of kufr MPL. This MPL has suddenly, like a chameleon turned colour and has become MFL (Muslim Family Law). This claim is extremely misleading. The aim of this false claim is to stampede unwary Muslims into acceptance of a measure which is in flagrant conflict with the Shariah.

We have discussed and exposed the fallacy of this claim in detail in our Al-Haq bulletins. The latest Al-Haq Bulletin No.22 discusses the kufr MPL-MFL in detail. Write for your copy to us. Postage stamps will be appreciated.

The claim of legal enforcement of "*Shariah compliant resolutions*" is grossly misleading. It is a specimen of blatant falsehood, which we have exposed in our Al-Haq Bulletins (so far four special editions dealing with only this hybrid concoction have been published). Insha'Allah, another special edition on this question shall be published soon. Far from MPL resolutions being "Shariah-compliant", they are de-

cidedly anti-Shariah.

The pamphlet of UUCSA or of its lawyer representative makes the following laughable statement: *“Our position on the need of legal recognition in a non-Muslim state stems from inter alia, the views of our illustrious elders belonging to various schools of thought. In India, “The All Indian Muslim Personal Law Board” was founded for this very purpose under the able leadership of Qari Mohammed Tayob Saheb, the great luminary—Maulana Ashraf Ali Thanvi Ragmatullah alayhi in the context of his famous work “Al Heelatun Naajizah” stated.....”*

The secular lawyer knows when our Ulama are “illustrious” and when not. When it serves his ends, our orthodox seniors suddenly become “illustrious”. UUCSA must not attempt to brow-beat Muslims with the names of our *Akaabir* Ulama who have no relationship whatsoever with the type of kufr MPL (MFL) which the modernists, liberals and equality-gender mob are advocating and seeking to ram down the throats of the community.

Another issue of importance in the endeavour to mislead is the fact that at least two constituent members of UUCSA are not parties in this bid of dishonest lauding of accolades on our *Akaabir* Ulama. These two members are the Muslim Judicial Council and the Sunni Ulama Council. The latter of the two even believe that Hadhrat Qari Tayyab Saheb and Hadhrat Maulana Ashraf ASli Thaanvi Saheb (rahmatullah alyhima) are kaafirs — Nauthubillaah! We state without the slightest fear of any rational contradiction that neither Qari Tayyab Saheb nor Hakimul Ummat Maulana Ashraf Ali Thaanvi Saheb would have supported the kufr which the South African MPL clique is fabricating in the name of Islam.

We are pleased to read that the UUCSA representative has spoken glowingly of Hakimul Ummat’s book, *Al-Heelatun Naajizah*. By praising this book, his has entrapped himself because everything stated in *Al-Heelatun Naajizah* contradicts the kufr of MPL (MFL). In a desperate bid to win the favour of the Muslim community for the kufr MPL, UUCSA or its representative presents the following comment of Hadhrat Maulana Ashraf Ali Thaanvi (rahmatullah alayh):

“...the method of enforcement which comes to mind is that this booklet (Heelatun Naajizah) be effected through Parliament by its acceptance and enactment into law. If this were done the enforcement (of Islamic Law) would become easy to implement. And then out of fear of a dissolution (in accordance with Islamic law), none would dare have the courage to perpetrate injustice against women.”

Just who do they think they are misleading and befuddling by citing this statement of Hakimul Ummat? Hadhrat Thaanvi (rahmatullah alayh) does not urge acceptance of the South African brand of MPL (MFL). At no stage did Hadhrat advocate that kufr be enacted as law in the name of Islam and then be dubbed ‘Islamic Law’. With the greatest clarity Hadhrat Maulana Ashraf Ali Thaanvi (rahmatullah alayh) says:

“....that this book (i.e. Al-Heelatun Naajizah) should be accepted as law.”

It is *Al-Heelatun Naajizah* that has to be accepted as law by the secular government, not the kufr draft MPL bill which the Project Committee has manufactured. We re-iterate: Hadhrat Hakimul Ummat said with the greatest clarity, leaving not a vestige of ambiguity in his advice, that ***Al-Heelatun Naajizah* should be accepted by the government and enacted as law for implementation, not the kufr fabrication of the S.A.MPL clique.** The draft bill which the Project Committee has submitted to the Minister of Justice for his approval and onward passage through the avenue of the law-making process is NOT ***Al-Heelatun Naajizah*. This book of Hakimul Ummah complies 100% with the Immutable Shariah of Islam.** It is not a concoction acquired from a brew prepared from the opinions of organizations such as the gender-equality mob, women’s lib, etc., etc.

We state unequivocally that if the Project Committee responsible for the kufr MPL-MFL bill submits *Al-Heelatun Naajizah* as its draft bill, we, the Mujlisul Ulama of South Africa, the Madaaris and all other Ulama who are opposed to the kufr MPL measure, will be the first to support it. UUCSA is guilty of a great lie—a grievous falsehood by struggling to trade the notion that the Ulama who are opposed to MPL are averse to Islamic Law being enacted as a law of the secular state. There is nothing further from the truth in this regard. Our opposition is based on the kufr of the bill. We oppose MPL because it is not compliant with the Shariah, not because it has been submitted to the government for enactment as law.

We cannot accept kufr to be enacted as Islamic Law. This is our fight and it will remain our fight. The Shariah which *Al-Heelatun Naajizah* espouses cannot be accepted by the government of South Africa in the wildest imagination. UUCSA should desist from the despicable exercise of deliberately misleading the Muslim community. After all, they label themselves as an Ulama council. It does not behove Ulama do descend to such a base level as their lawyer rep has portrayed them to be.

ANOTHER DECEPTION

In another attempt to deceive and mislead Muslims as a consequence of opposition to MPL, UUCSA’s representative states:

“The United Ulama Council of South Africa

(UUCSA) is at present reviewing the draft bill of the South African Law Commission..... Substantive amendments have being (?) proposed so as to make the Bill consistent with the principles of Shari'ah and so that legitimate concerns of the Ulama are addressed."

The opposition Ulama are neither soothed nor misled by this absurd claim. Firstly, UUCSA or its representative and the Project Committee are in cahoots. They are birds of a feather. The kufr bill has been discussed, repeatedly altered and rebored over several years. Many workshop meetings, conferences, consultation with high profile Ulama of international repute, lobbying, etc., etc. have been carrying on for a number of years to come up with a draft bill. Finally a draft bill consisting of *substantive* kufr was churned up. That bill of kufr has been submitted to the Minister of Justice for his approval. What is the point of 'reviewing' at this late stage? Could UUCSA not have reviewed it before its submission to the Honourable Minister? This is exceptionally peculiar to say the least when cognizance is taken of the fact that UUCSA's lawyer representative is one of the main cogs in the Project Committee machinery. Furthermore, the Ameer of the Transvaal Jamiat is an old guard Aalim who serves on the Project Committee. After years of workshop meetings and deliberations, they could not come up with a Shariah-compliant bill, hence the need to review the confounded draft after having submitted it to the Minister of Justice? What games and tricks are they involved in!! UUCSA must take care!!! It has already been hijacked by the secularist member who acts as its mouthpiece.

We challenge UUCSA to come up with a fully Shariah compliant proposal. If UUCSA is honest, it should take up this challenge and produce such a bill which we claim with emphasis will be outrightly rejected by the government because such a bill can never comply with the demands of the secular constitution of South Africa. They squander time and money in futile workshop meetings, in idle pastime conferences full of sound and fury, but devoid of Shar'i substance. They are adept in only blowing a lot of hot air.

PREMATURE?

Seeking to sidestep the charge of *baatil* and *kufr* which impregnate the draft MPL (MFL) bill, UUCSA states in its pamphlet: *"It will therefore be inappropriate and premature to regard the Bill as un-Islamic."*

We declare with all the emphasis at our command that the present version of the MPL bill submitted to the Honourable Minister of Justice for his approval is un-Islamic, anti-Islamic, *baatil* and *kufr*. It tampers with the laws of the Immutable Qur'aan. It effects change and interpolation to the Shariah of

Allah Ta'ala. It makes criminals of pious Muslims who enter into the sacred bond of Nikah while it is silent on fornication and adultery. It seeks to imprison Muslims for availing themselves of their inalienable Shar'i and Qur'aanic right of entering into Nikah and embracing that complement of Imaan as stated by Rasulullah (sallallahu alayhi wasallam).

While UUCSA may succeed in convincing total illiterates and ignoramuses that the present MPL bill is not un-Islamic, it is our sacred business to endeavour to convince such Muslims that they will be landing themselves in a quagmire of falsehood if they support the MPL kufr which UUCSA is also advocating simply because it has allowed itself to be hijacked and hoodwinked by its lawyer spokesman.

DEVIOUS

The lawyer should divest himself of any ideas of succeeding in pulling wool over the eyes of the Ulama-e-Haqq by the employment of statements cloaked with deviousness. In its pamphlet UUCSA says:

"Substantive amendments.....consistent with the principles of the Shariah".

Why does our lawyer friend say: *"consistent with the principles of Shariah"*? This statement is designed to beguile us. We say to you that you are incapable and unqualified to formulate *Ahkaam* consistent with the principles of the Shariah. The terms *"consistent with the principles of the Shariah"*: have been used to give themselves a licence to interpret or more accurately, to re-interpret the Qur'aan and Sunnah—a reinterpretation which they will claim is based on the principles of the Shariah.

UUCSA and all of us have no such right to employ the principles of the Shariah. No one is a Muftahid in this scenario and in this conflagration which has developed. The bill, in order to be fully compliant with the Shariah should conform to the *Juziyyaat* (particulars) of the Shariah. An admixture of Shariah and the products of the opinion of the members of the MPL committee is kufr. It is not the Shariah. Interpretation on the basis of the principles is a Door which had closed a milleneum ago. It cannot be reopened. The Islamically unqualified men who sit on the MPL committee cannot interpret on the basis of the principles of the Shariah. Secular lawyers and judges have no such right and no proper understanding of the operation of the principles of the Shariah. They must not speak to us on the basis of 'principles'. They have to incumbently confine themselves to the *Juziyyaat*.

CONCLUSION

In the conclusion of its pamphlet, UUCSA's representative states:

"Our challenge as Muslim leaders and

responsible members of the community is to embrace each other through constructive dialogue and tolerance in order to find practical solutions to our problems...

Making grandiose statements for public consumption is one thing, and becoming involved in meaningful dialogue is another thing. The 'religious' personnel serving on the Project Committee who incidentally happen to be the drivers of UUCSA are incapable of rational dialogue. Ulama who had the misfortune to sit in discussion with them, can testify to their aberrant traits of emotionalism which punctuate and permeate their brand of 'constructive dialogue' which demands total submission to their views which the senior Molvi Saheb and the Judge Saheb seek to impose dictatorially on the young Ulama who had committed the error of attempting a dialogue with them.

The lawyer rep. of UUCSA should direct his advice of tolerance and constructive dialogue firstly to himself then to his 'senior guide' on the Project Committee who acts as the junior's religious rubber stamp.

Responsible members of the community cannot embrace with tolerance men who sit for years hatching a supposedly shariah-compliant proposal, then come up with *baatil* and *kufr*. Such men are not respectable members of the Islamic community nor are they capable of "constructive dialogue" and tolerance. Their inordinate passion for leadership is their undoing and ruin. In this raving desire for leadership will they meet their doom.

Deviates such as those who have hijacked UUCSA are responsible for creating problems. There are no problems without deviates. But the deviates expect the Ulama-e-Haqq to adopt silence. Silence in the face of *kufr* and when the foundations of Islam are being dug is the meaning of 'tolerance' in the understanding of those who have run away with the idea of being "leaders and responsible members of the community". *Wallaah!* They are enemies of Allah's Deen. They aspire for aggrandizement and to achieve this nefarious goal they conspire to produce a new 'shariah' which will be their monopoly. So they reckon, they can bypass the Ulama whom Allah and His Rasool have appointed as the Guardians of this Immutable Shariah. The deviates will be weeded out from the Fabric of Islam, dumped and be forgotten, while the Ulama-e-Haqq's Standard will remain aloft regardless of the obstacles and the enemies. And, why should it not be so when Rasulullah (sallallahu alayhi wasallam) declared:

"There will ever remain a Taaifah (Group) of my Ummah who will fight on the Haqq until the arrival of the Command of Allah (i.e. Qiyaamah). Those who oppose them and who do not aid them will not be able to harm them (the Ulama-e-Haqq)."

In the light of this assurance given to us by Rasulullah (sallallahu alayhi wasallam), we say to them all and to the community, we do not stand in need of anyone's mandate, we need no one's support and no one's rubber stamp to proclaim the Haqq of this Deen. And, may Salaam be on those who follow the *Hidaayat* of Islam.
Issued by:

MUJLISUL ULAMA OF S.A., P.O.BOX 3393,
PORT ELIZABETH, 6056, SOUTH AFRICA

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